

REMARKS

Claims 2 and 4-7 remain pending in the present application. None of the claims have been amended in this Response. No new matter has been introduced by this Response, therefore, entry and consideration are respectfully requested.

Claims 4 and 6-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Davis et al.* (U.S. Patent No. 4,436,962) in view of *Herrick et al.* (U.S. Patent No. 5,521,970) and further in view of *Romeo* (US Patent No. 3,737,587). Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Davis et al.* (U.S. Patent No. 4,436,962) in view of *Herrick et al.* (U.S. Patent No. 5,521,970) and further in view of *Romeo* (US Patent No. 3,737,587), and further in view of *Brown et al.* (U.S. Patent No. 5,309,028). The Applicants traverse the above rejections for the following reasons.

As was argued previously, the prior art, alone or in combination, does not teach or suggest the feature of assigning a plurality of subscriber lines to a call acceptance group, wherein the plurality of subscriber lines include subscriber terminals located among a plurality of the multiple communications systems. Also, the prior art fails to teach or suggest the feature of maintaining call answering capability for all subscriber terminals associated with the call acceptance group after the transfer of an incoming call. The present Office Action, as did the previous Office Action, concedes that *Davis* does not teach or suggest encompassing multiple communication systems and assigning the plurality of subscriber lines to a call acceptance group among a plurality of the multiple communication systems, as well as maintaining call answering capability for all subscriber terminals associated with the call acceptance group after the transfer of the incoming call (see pages 3 and 4 of the Office Action).

Accordingly, the Office Action turned to *Herrick* as allegedly teaching the plurality of subscriber lines including subscriber terminals located among a plurality of the multiple communications systems. However, Applicant respectfully submits that reliance on *Herrick* is misplaced, in light of the teachings of *Davis* and *Romero*, discussed below. Specifically, *Herrick* teaches a system and method for routing coverage calls among a coverage path of endpoints or terminals, and not according a call acceptance group. *Herrick* teaches in FIG. 1 that each PBX 10, 20 serves its own complement of communications endpoints or terminals 11, 12, 21, 22; and each PBX 10, 20 utilizes a plurality of entries that identify different endpoints or terminals to which incoming calls are to be redirected (col. 3, lines 28-34). For example, when an incoming

call is received by a PBX 10, a first entry 99 on a list of endpoints or terminals is accessed to determine the endpoint or terminal to which the call should be redirected. If the endpoint or terminal is local, then the connection of the call is handled conventionally by that PBX. However, if the endpoint or terminal is remote, then the connection of the call is controlled by the remote PBX 20 (see col. 3, line 51-col. 4, line 43).

In Fig. 2 of *Herrick*, a PDX 10 receiving an incoming call searches through its entries 99 on a list of endpoints or terminals and determines if an endpoint or terminal is remote or local. If remote (i.e., located in another PBX 20), the PBX 10 relinquishes control over the call to another PBX 20, which is responsible for connecting the call to the appropriate endpoint or terminal. The other PBX 20 proceeds conventionally to find an available call coverage path for connecting the call. Accordingly, *Herrick* does not appear to assign endpoints or terminals to an acceptance group, let alone assign endpoints or terminals located in multiple communication systems to an acceptance group. Instead, *Herrick* simply goes through a list of available endpoints or terminals one at a time.

Second, *Herrick* fails to teach or suggest *maintaining call answering capability for all subscriber terminals associated with the call acceptance group after the transfer of an incoming call*. As noted above, when a local PBX transfers a call to a remote PBX, the local PBX relinquishes control of the call. In other words, no endpoint or terminal local to the transferring PBX would have the capability of answering the call, unless the call was subsequently transferred back to that PBX.

The Office Action introduces the *Romero* reference as allegedly teaching the feature of maintaining call answering capability for all subscriber terminals associated with the call acceptance group after the transfer of an incoming call. Again, Applicant respectfully submits that reliance on *Romero* is misplaced. *Romero* discloses wired logic PBX which permit calls directed to any station to be answered by a user at a nearby station by the dialing of a predetermined code, where the stations are subdivided into a plurality of groups and, by the dialing of the pickup code, a station user may answer a call directed to any other station of the same group (col. 1, lines 53-63). The call pickup sequence is activated when a subscriber at a requesting station dials the pickup code to answer a call incoming to another station. The dialing of the call pickup code is detected by the register to which the requesting station is connected, and the call pickup circuitry is activated by an output signal from the register. A call-back potential is

then transmitted from the register, through the network, to the line circuit of the requesting station. This potential identifies the requesting station by setting a flip-flop unique to the pickup group of the station (col. 1, line 64 - col. 2, line 8). The trunk lines are then scanned to detect if the ringing trunk circuit belongs to the same group as the requesting station - the call will be connected only if the call is part of the same group (col. 2, lines 21-48). Thus *Romero* does not teach the interconnection of terminals from different groups, but instead teaches away by disclosing the interconnection within a same group by entering a resultant code for the particular group.

Furthermore, there is no teaching, suggestion or motivation for one having ordinary skill in the art to combine *Romero* with the *Davis* and *Herrick* references in the manner suggested in the Office Action. In determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983). Likewise, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983) (see MPEP 2141.02). If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (see MPEP 2143.01).

Romero discloses a hardwire-logic system (circa 1971) that expressly relies on dedicated circuitry and flip-flops to register user presence in a group coverage system using voltage potential detected at various points in the register (col. 2, lines 49-67; col. 5, lines 3-56). It is not understood by Applicant how this configuration could conceivably be incorporated into the teachings of *Davis* and *Herrick* without materially affecting the intended operation of each of the systems. Moreover, as discussed above, *Herrick* teaches that when a local PBX transfers a call to a remote PBX, the local PBX relinquishes control of the call in order to allow the switches to negotiate an endpoint transmission (see Abstract). In other words, no endpoint or terminal local to the transferring PBX would have the capability of answering the call, unless the call was subsequently transferred back to that PBX. As this clearly teaches away from the presently claimed feature that “a call answering capability is maintained by all the subscriber terminals

associated with the call acceptance group after the transfer of the incoming call,” it was improper to combine *Herrick* with *Romero* for this purpose.

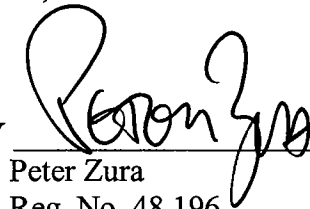
Accordingly, Applicants respectfully submit that independent claim 7 is believed to be clearly distinguishable over *Davis*, *Herrick* and *Romero*, individually or in combination. Likewise, dependent claims 2 and 4-6 are also believed to be clearly distinguishable over *Davis*, *Herrick*, *Romero* and *Brown*, individually or in combination, based on their respective dependencies from claim 7.

In light of the above, the Applicants respectfully submit that the present claims are both novel and non-obvious over the prior art of record. Accordingly, the present application is in condition for allowance and requests that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as whole, the office is hereby authorized to deduct said fees from Deposit Account No. 021818. If such a deduction is made, please indicate the attorney docket number (112740-187) on the account statement.

Respectfully submitted,

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